

SPE IF

May 21, 2006

Petition under 37CFR1.137 (b)

As an applicant of application No.10/603,854, I, Tadashi Umeda would petition a revival of application which was once abandoned by operation of law as per Office Communication dated 05/11/2006, because of failure to timely filing of reply.

The statement for petition:

This failure has been caused because I lacked the knowledge to proceed the timely filing of reply required by the law.

I strayed in reply and failed to count the extension periods.

The current office communication letter made my understandings clearer, especially the meaning of "the period was continuing", which was regrettably to say, I did not understand well before.

I would be sure to improve my proceeding to the requirements in the future.

The fee required for recovery

I enclose \$750.00 as petition fee which is written in 37CFR 1.17(m) for small entity in form of money order.

I would be advised if there still remain any unsatisfactory correspondences which might react any serious damages. I am ready to correct it if any.

And I hope my application would be revived shotly.

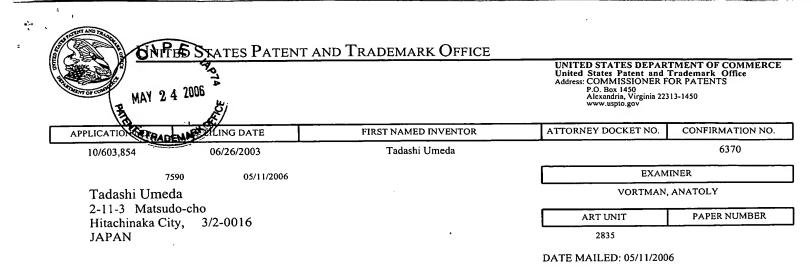
Best regards 05/25/2006 MGEBREM1 00000020 10603854

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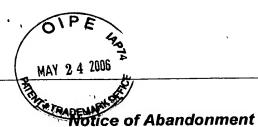
750.00 OP

Tadashi Umeda

Attached : copy of office communication letter dated 05/11/2006 (3 pages)



Please find below and/or attached an Office communication concerning this application or proceeding.



Application No.

10/603,854

Examiner

Anatoly Vortman

2835

	Anatoly Vortman	2835	
The MAILING DATE of this communication app	Anatoly Vortman		ldress
The MAILING DATE of this communication app	lears on the cover sheet with the c	orrespondence ad	
This application is abandoned in view of:			
 I. Applicant's failure to timely file a proper reply to the Office (a)	ate of Mailing or Transmission dated ension of time of <u>3</u> month(s)) which e not constitute a proper reply under 3	xpired on <u>13 Febru</u> 7 CFR 1.113 (a) to	the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection application in condition for allowance; (2) a timely file Continued Examination (RCE) in compliance with 37	d Notice of Appeal (with appeal fee); CFR 1.114).	or (3) a timely filed	Request for
(c) ☐ A reply was received on but it does not constited final rejection. See 37 CFR 1.85(a) and 1.111. (See	tute a proper reply, or a bona fide atte explanation in box 7 below).	empt at a proper rep	oly, to the non-
(d) ☐ No reply has been received.			
2. Applicant's failure to timely pay the required issue fee are from the mailing date of the Notice of Allowance (PTOL-	85).		
(a) The issue fee and publication fee, if applicable, wa), which is after the expiration of the statutory particular (PTOL-85).	is received on (with a Certific	ate of Mailing or T nd publication fee)	ransmission dated set in the Notice of
(b) The submitted fee of \$ is insufficient. A balance	ce of \$ is due.		
The issue fee required by 37 CFR 1.18 is \$	The publication fee, if required by 37	CFR 1.18(d), is \$_	•
(c) \square The issue fee and publication fee, if applicable, has r	not been received.		
3. Applicant's failure to timely file corrected drawings as rec Allowability (PTO-37).	•		
(a) Proposed corrected drawings were received on after the expiration of the period for reply.	(with a Certificate of Mailing or Tra	nsmission dated), which is
(b) No corrected drawings have been received.			•
☐ The letter of express abandonment which is signed by the applicants.	he attorney or agent of record, the as	signee of the entire	interest, or all of
 The letter of express abandonment which is signed by a 1.34(a)) upon the filing of a continuing application. 	an attorney or agent (acting in a repre	sentative capacity	under 37 CFR
 The decision by the Board of Patent Appeals and Interfe of the decision has expired and there are no allowed da 		ise the period for se	eeking court review
7. M The reason(s) below:			
See Continuation Sheet			
·			
A.	Vac	Anatoly Vortma Primary Exami Art Unit 2835	
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to without minimize any negative effects on patent term.		7 CFR 1.181, should	be promptly filed to
LLS Patent and Trademark Office			

U.S. Patent and Trademark Office PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 0406

BEST AVAILABLE COPY

Continuation Sheet (PTOL-1432)

Application No. 10/603,854

Item 7 - Other reasons for holding abandonment:

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Responsive Amendment mailed on October 12, 2005, which set a shortened statutory period for reply of one (1) month. No sufficient extensions of time under the provisions of 37 CFR 1.136(a) were obtained.

Applicant has filed a non-compliant reply on January 24, 2006 and obtained the one (1) month extension of time under 37 CFR 1.136(a) on October 31, 2005, however two (2) months extensions of time would have been required to make said amendment timely. Further, applicant had time until expiration of the extended statutory period for reply (i.e. until April 12, 2006) to submit the deficiency or to file new reply with sufficient extensions of time under the provisions of 37 CFR 1.136(a). Applicant, however, have not done so.

Further, a Notice of Non-Compliant amendment was mailed on March 14, 2006, which did not set new shortened statutory period for reply. Therefore, the period for reply was continuing to run from the mailing date of the Notice of Non-Responsive Amendment of October 12, 2005

Further, applicant has filed the reply to the aforementioned Notice of Non-Compliant amendment on April 11, 2006 with two (2) months extension of time fee, however (3) month(s) extension of time would have been required in order to make said reply timely. Accordingly, the reply of April 11, 2006 was late, since the application became abandoned, by operation of law, on February 13, 2006.

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PS: Examiner has consulted with SPRE Clayton Laballe on 8 May 2006, who verified that application is abandoned.

A. Va